

A. STATE-AT-A-GLANCE

1) Program Operation	State administered
2) Number of Local Offices (excluding Agencies under Cooperative Agreements)	68
3) Type of Agencies with Cooperative Agreements	Cooperative agreements reached with limited number of county offices; these agreements do not affect incoming interstate cases at this time; court masters in many counties.
4) Uniform Interstate Family Support Act	Yes
5) Agreements With Tribal Entities	No
6) Age of Majority for Termination of Support	Later of 18 or until child graduates high school; court may extend support in the case of mental or physical disability.
7) Statutes of Limitation:	
• Collection of Past Due Support	Motion must be filed within 4 years after termination of support order for reducing arrears to a judgment; notice of withholding must be re-filed every 4 years until the delinquency is paid; judgment must be renewed every 10 years; motion for contempt must be filed not later than 6 months after termination of the support order
Paternity Establishment	2 years after child's 18th birthday
Dormancy Revival/Renewal Possible [yes/no]	Judgment becomes dormant after 10 years but may be renewed every 10 years.
8) Guidelines	Fixed percentage of obligor's net resources with adjustment for multiple family obligation. Variances from guidelines within courts discretion
9) Interest Rates on	
• Missed Payments	Interest accrues on delinquent child support at the rate of 12% simple interest per year from the date support is delinquent (payment considered delinquent if not received before the 31st day after payment due date)
• Retroactive Support	Interest accrues from the date the order is rendered at the rate of 12% simple interest per year.
• Adjudicated Arrearage	Interest accrues from the date the order is rendered at the rate of 12% simple interest per year.
10) Arrearage Collections for Non- minor Child(ren)	An action under this heading cannot be initiated by the child. Can collect for obligee through: income withholding; court

	ordered judgment; license suspension; contempt; subject to statute of limitation
11) Distribution Scheme	
• AFDC Arrears	Current support satisfied first, court ordered arrears payment next (AFDC arrears recovered prior to Non-AFDC), excess funds distributed to Custodial Parent
• Non-AFDC Arrears	Current support satisfied first, court ordered arrears payment next (AFDC arrears recovered prior to Non-AFDC), excess funds distributed to Custodial Parent
12) Procedures Regarding Medical Support Using Income Withholding	Cost of medical insurance premiums may be ordered as additional child support and can be withheld. Court can also order enrollment for insurance coverage which can also be enforced.
13) New Hire Reporting	Yes
15) Recovery of Costs for Initiating State	Genetic testing costs
16) Long-Arm Statute/s Citation/s	Texas Family Code Chapter 102.011, same as Chapter 159.201 (UIFSA)
17) Automated Locate Resources	Texas Employment Commission (wages and unemployment benefits) Department of Human Services (public assistance and food stamp benefits) Department of Public Safety (drivers license).
18) Enforcement Options	
• State Income Tax Refund Intercept	No
• License Revocation/ Suspension	Yes, driver's, professional, occupational, and recreational licenses subject to suspension.
• Administrative Liens	No
• Property Seizure & Sale	Yes
• State Funds/Benefits (please specify)	Unemployment benefits, Workers Compensation benefits and State Debt Set Off.
• Other (please specify)	Intercept of lottery winnings, child support lein
19) Spousal Maintenance Orders <i>(specify yes or no)</i>	
• Establish	Texas law allows in very limited situations but the IV-D agency does not establish spousal maintenance orders.
• Enforce	Only in conjunction with current child support.
• Modify	Texas can modify Texas orders only. IV-D agency does not modify spousal maintenance orders.

20) Current Spouse/Partner Information Required	No
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B. UNIFORM INTERSTATE FAMILY SUPPORT ACT

1) State Code Citation	Texas Family Code Chapter 159
2) Effective Date	September 1, 1993
3) Adopted Verbatim? If no, list differences.	No significant changes made
4) Repeal URESA?	Yes
5) Repeal IWW?	Yes

C. INCOME WITHHOLDING

1) Income Withholding Terminology	Writ of Withholding, Notice of Withholding, Employers Order to Withhold Earnings for Child Support
2) Income Withholding Procedures	
• State Withholding Limits	50% of obligor's disposable income
• Fee Charged by Employers	Up to \$5.00 per month; this fee is optional and is deducted from the employee's remaining disposable income.
• Date to Remit	Each payday
• Penalty	Obligee can recover total amount not paid including any amount obligor is to pay for health insurance; obligor can recover total amount withheld and not paid and both may recover reasonable attorney's fees and court costs. Employer may be fined up to \$200.00 per occurrence with fine being paid to the obligee.
3) Definition of Employer	A person, corporation, partnership, worker's compensation insurance carrier, governmental entity, and the United States, and includes, for purposes of enrolling dependents in a group health insurance plan, a union, trade association, or other similar organization.
4) Included Income	100% of all compensation paid or payable for personal services, whether denominated as wages (regular or overtime), salary, commissions, bonuses, or payments pursuant to pension, disability, retirement, or unemployment benefits, workers compensation benefits, interest, royalty income, severance pay, social security benefits, trust income, self employment income, interest income from notes.

5)	Excluded Income	Return of principal or capital, accounts receivable, AFDC
6)	Direct Income Withholding for Unemployment Compensation, include address	Yes, Texas Employment Commission Benefits Dept 101 E 15th Room 370 Austin, TX. 78778-0001
7)	Direct Income for Workers' Compensation, include address	Yes, address varies by insurance carrier.
8)	Direct Income Withholding, other income sources subject to, include address	Employers
9)	Direct Income Withholding, list Other Income Sources NOT subject to	See included income section above.
10)	Federal Withholding (See Federal Pay Agents Section)	IV-D Directors need not answer this question.
11)	Procedures for Contesting Income Withholding	Texas establishment order: Issue resolved at time of entry of initial wage withholding order. Notice of Withholding: Obligor must file an answer or motion to stay within 10 days of receipt of notice. UIFSA registration: Obligor must file answer not later than 20 days from the date notice is mailed or served.
12)	Arrearages through Income Withholding	Yes
13)	Enforcing Against Non-Resident Obligor Asset/Income	Yes
14)	Exception to Immediate Withholding	No, in IV-D cases; yes if good cause shown, in non-IV-D cases
15)	Multiple Obligations Withholding Priorities	
	• Policy	Texas Family Code Chapter 158.207. Employer shall comply with each order to the extent possible.
	• Priority	An order or writ of withholding has priority over any garnishment, attachment, execution, or any other assignment or order affecting disposable income.
	• Assistance	Kimberly Willis (512)463-2181 extension 3059
	• Allocation	Equal amounts applied to the current portion of all orders; thereafter equal amounts on the arrears until the maximum amount of withholding is reached.

D. PATERNITY

1) Interstate Paternity Procedures	Will accept stipulated paternity, paternity by default and in contested suits paternity established by rebuttable presumption of paternity. The alleged father is contacted and voluntary paternity acknowledgment is pursued whenever possible. If paternity is not acknowledged the alleged father is served with pleadings. If requested, genetic tests are ordered by the court: court makes finding of paternity based on stipulation or evidence presented, genetic testing using HLA or DNA testing
Consent Orders Obtained	Yes
2) Uniform Parentage Act	No
3) Uniform Act on Blood Testing	No
4) Parentage Order Available Without Order for Support	No, except in very limited circumstances.
5) Custody/Visitation Addressed Subject to Tribunal's Jurisdiction	Yes, on intrastate cases.
6) Genetic Test Results as Presumption of Paternity	No presumption but burden of proof is shifted to the alleged father and a temporary order may be issued.
Threshold	99%
7) Paternity Acknowledgment as Presumption of Paternity (Rebuttable/Conclusive)	Rebuttable, in most cases, clear and convincing evidence is required.
8) Marriage as Presumption of Paternity	Yes
9) Putative Father's Name on Birth Certificate, Effect of	Rebuttable presumption of paternity created if father consents in writing to be named as the father on the birth certificate.
10) Other Statutory Presumptions	Texas Family Code Chapter 151 outlines this in detail.
11) Recognition of Common Law Marriage	Yes, common law marriage in Texas must have all 3 of the following conditions: 1) the parties must have agreed to be married, 2) cohabitate after the agreement to be married, and 3) represent themselves to others as being married. A declaration and registration of informal marriage is available. An action to establish an informal marriage must be commenced before two years of the date of separation.
12) Personal Appearance of Witness or Custodial Parent Required	Occasionally, but not on a routine basis, utilize UIFSA to avoid personal appearance whenever possible but occasionally may be necessary

Acceptable Methods of Testimony	Written deposition; video deposition; teleconferencing and other means
13) Long-Arm Statute	Texas Family Code Chapter 102.011, same as Chapter 159.201 (UIFSA)
14) Assistance to Other States Using Their Long-Arm Statutes	
• Service of Process	Interstate Central Registry staff can assist if direct efforts are unsuccessful. Interstate Central Registry staff may refer the request to a local office for additional assistance
• Genetic Testing	Interstate Central Registry staff can assist if direct efforts are unsuccessful. Interstate Central Registry staff may refer the request to a local office for additional assistance
15) Recovery of Genetic Testing Costs for Other States	Yes

E. SUPPORT ORDER ESTABLISHMENT

1) Interstate Procedures	Support order established by court based on Texas child support guidelines
2) Income Considered for Setting Support	100% of all compensation paid or payable for personal services, whether denominated as wages (regular or overtime), salary, commissions, bonuses, or payments pursuant to pension, disability, retirement, or unemployment benefits, workers compensation benefits, interest, royalty income, severance pay, social security benefits, trust income, self employment income, interest income from notes but not including return of principal or capital, accounts receivable, and AFDC received. Statutory deductions for Social Security tax, federal withholding and income tax, union dues, cost of health insurance for child(ren) and state income tax
3) Criteria for Rebuttal	That the application of the guidelines would be unjust or inappropriate under the circumstances; Texas Family Code Chapters 154.122 and 154.123 outline this in detail.
4) Support Order for Prior Periods	Yes

F. ENFORCEMENT

(Note: If multiple orders, see Part “G”)

I. ENFORCING YOUR OWN ORDER

1) Enforcement for Non-Resident	Same as intrastate cases. Judicial action filed if administrative
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Family	remedy not available or sufficient.
2) Administrative Procedures and Remedies Available	Notice of Withholding, license suspension
3) Judicial Procedures and Remedies Available with Registration	Any remedy available under Texas law.

II. ENFORCING OTHER STATES' ORDERS

4) Administrative Procedures and Remedies Available Without Registration	None at this time
5) Judicial/Administrative Remedies with Registration	Any remedy available under Texas law.
6) UIFSA/URESA Registration and Enforcement Procedure	Registration under UIFSA. Enforcement action can be filed simultaneously with the registration request.
7) Judicial Procedures Required after Registration	No required procedure but any enforcement action may be filed simultaneously with registration.
8) Uniform Enforcement of Foreign Judgments Act Citation	V.T.C.A. Civ. Pac. & Rem. Code 35.001

G. MODIFICATION/REVIEW & ADJUSTMENT OF ORDERS

1) Jurisdiction Requirements	Texas must have or be able to assume CCEJ.
2) Modification Procedures	Judicial modifications are used in interstate cases.
3) Criteria for Modification	If there is a change of circumstances, modification should be in accordance with guidelines.
4) Criteria for Change of Circumstances	There must be a change in the circumstances of the child or a person affected by the order that is material and substantial and has occurred since the date of the order. Modification must be in the best interest of the child.
5) Frequency With Which Reviews are Conducted	Every 3 years in AFDC cases, upon the request of the custodial parent, non-custodial parent or guardian in non-AFDC cases.
6) Criteria for Review	date of last review; whether locate information is available; whether request has been made.
7) Criteria for Adjustment	The order does not substantially conform with guidelines. There has to be a 30% deviation from guidelines or support would

	increase/decrease by a minimum amount of \$50.00 per month to meet the criteria for modification. A substantial change in the obligor income or a substantial increase in the needs of the child
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H. MULTIPLE ORDERS

ENFORCEMENT AND MODIFICATION

1) Controlling Order	Determined by UIFSA
2) Date of Controlling Order	Date the court determines the controlling order.
3) If No Controlling Order	Texas will issue an order that becomes the controlling order.
4) Arrears Procedure	All orders are give full faith and credit and all arrears are collected under all known orders.

I. Documentation Required to Initiate Requests

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each docu- ment	Certifi- cation required for each docu- ment *See below
Establishment of Paternity and Support	Uniform Support Petition General Testimony for URESA Paternity Affidavit Transmittal	3 3 3 3	A A A B
Enforcement of Responding State's Order	Transmittal Affidavit of Arrears or pay record Copy of order (optional)	1 1 1	B A,B,C N/A
Modification of Responding States' Orders	Transmittal Income and Expense Statement	1 1	B A
Administrative Enforcement of Another States' Order	N/A	N/A	N/A
Registration for Enforcement of Another States' Order	Transmittal Certified copy of order(s) Copy of order(s) Statement in support of registration Affidavit of arrears or pay record	1 1 1 1 1	B C N/A A, B A,B,C
Collection of Arrearages in Multiple Orders	Transmittal Certified copy of order(s) Copy of order(s) Statement in support of registration Affidavit of arrears or pay record	1 1 1 1 1	B C N/A A, B A,B,C
Uniform Enforcement of Foreign Judgments Act	Transmittal Authenticated copy of judgment Affidavit showing name and last known post office address of the payor Copy of judgment Copy of affidavit	1 1 1 2 2	B C A,B N/A N/A
Modification of Another State's Order	If order has not been registered in Texas: Transmittal Certified copy of order(s) Copy of order(s) Statement in support of registration Affidavit of arrears or pay record Income and expense statement If order has been registered in Texas: Transmittal Income and expense statement	1 1 1 1 1 1 1 1	B C N/A A,B A,B,C A B A
Status Update on an Existing Interstate Case	Transmittal	1	B

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each docu- ment	Certifi- cation required for each docu- ment *See below
Assistance/Discovery	Transmittal	1	B
Quick Locate	Locate Data Sheet	1	B

**A= Notarization by Notary Public; B= Certification by signature of agency official;*
C= Certification by signature of court official; D= Others (please specify);
E= Certification not required

J. State Contact Chart

ASSISTANCE NEEDED	CONTACT Name, Title, Address, Phone, Fax, E-mail (include 800 if applicable)
State Information Agent	<i>Texas Office of the Attorney General</i> <i>Child Support Division</i> <i>P.O. Box 12017</i> <i>Austin, TX. 78711-2017</i> <i>Voice (512)463-2181 Fax (512)476-1017</i>
Central Registry	Sam Chacon, Section Chief Texas Office of the Attorney General Child Support Division P.O. Box 12017 Austin, TX. 78711-2017 Voice (512)463-2181 Fax (512)476-1017 sam.chacon@oag.state.tx.us
Interstate Policy Contact (if different)	Interstate Central Registry Staff Texas Office of the Attorney General Child Support Division P.O. Box 12017 Austin, TX. 78711-2017 Voice (512)463-2181 Fax (512)476-1017
Contact for Information Regarding Your States Long Arm Statute and Process	Interstate Central Registry Staff Texas Office of the Attorney General Child Support Division P.O. Box 12017 Austin, TX. 78711-2017 Voice (512)463-2181 Fax (512)476-1017
Contact for Information Regarding Collection and Distribution (State level)	Interstate Central Registry Staff

	<p>Texas Office of the Attorney General</p> <p>Child Support Division</p> <p>P.O. Box 12017</p> <p>Austin, TX. 78711-2017</p> <p>Voice (512)463-2181 Fax (512)476-1017</p>
Contact to Obtain Payment Records	<p>District Clerks Office</p> <p>If unable to obtain from District Clerks Office:</p> <p>Interstate Central Registry Staff</p> <p>Texas Office of the Attorney General</p> <p>Child Support Division</p> <p>P.O. Box 12017</p> <p>Austin, TX. 78711-2017</p> <p>Voice (512)463-2181 Fax (512)476-1017</p>
Contact to Obtain Copy of Order	<p><i>District Clerks Office</i></p> <p><i>If unable to obtain from District Clerks Office:</i></p> <p>Interstate Central Registry Staff</p> <p>Texas Office of the Attorney General</p> <p>Child Support Division</p> <p>P.O. Box 12017</p> <p>Austin, TX. 78711-2017</p> <p>Voice (512)463-2181 Fax (512)476-1017</p>
Contact for States Using Their Long Arm Statutes or Continuing Exclusive Jurisdiction (no “case” in your State) for	<p>Interstate Central Registry Staff</p> <p>Texas Office of the Attorney General</p> <p>Child Support Division</p> <p>P.O. Box 12017</p> <p>Austin, TX. 78711-2017</p> <p>Voice (512)463-2181 Fax (512)476-1017</p>
<ul style="list-style-type: none"> • Service of Process <p>(private process server? If so , list)</p>	<p>Interstate Central Registry Staff</p> <p>Texas Office of the Attorney General</p>

	<p>Child Support Division</p> <p>P.O. Box 12017</p> <p>Austin, TX. 78711-2017</p> <p>Voice (512)463-2181 Fax (512)476-1017</p>
<ul style="list-style-type: none"> Genetic Testing <p>(e.g. assistance with interstate teleconferencing)</p>	<p>Interstate Central Registry Staff</p> <p>Texas Office of the Attorney General</p> <p>Child Support Division</p> <p>P.O. Box 12017</p> <p>Austin, TX. 78711-2017</p> <p>Voice (512)463-2181 Fax (512)476-1017</p>
New Hire Reporting Contact	<p>Tricia Arredondo</p> <p>Texas Office of the Attorney General</p> <p>Child Support Division</p> <p>P.O. Box 12017</p> <p>Austin, TX. 78711-2017</p> <p>Voice (512)463-2181 Fax (512)476-1017</p> <p>patricia.arredondo@oag.state.tx.us</p>
Employer Assistance Contact	<p>Kimberly Willis</p> <p>Texas Office of the Attorney General</p> <p>Child Support Division</p> <p>P.O. Box 12017</p> <p>Austin, TX. 78711-2017</p> <p>Voice (512)463-2181 Fax (512)476-1017</p> <p>kimberly.willis@oag.state.tx.us</p>
<p>Telephone Number for Automated Interstate Case <i>Status</i> Requests</p> <p>(if any)</p>	(800)252-8014
<p>Telephone Number for Automated Interstate Case <i>Payment</i> Requests</p> <p>(if any)</p>	(800)252-8014

Privatization Contact	<p>Thomas Neal</p> <p>Texas Office of the Attorney General</p> <p>Child Support Division</p> <p>P.O. Box 12017</p> <p>Austin, TX. 78711-2017</p> <p>Voice (512)463-2181 Fax (512)476-1017</p> <p>thomas.neal@oag.state.tx.us</p>
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